

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD CALVIN,
Plaintiff,
v.
WHATCOM COUNTY, *et al.*,
Defendants.

No. C07-273RSL

ORDER GRANTING PLAINTIFF'S MOTION FOR CONTINUANCE

This matter comes before the Court on *pro se* plaintiff's letter to the undersigned's judicial assistant, which the Court has construed as a motion to continue. Dkt. #105.¹ On June 1, 2009, plaintiff filed a motion for a brief continuance, requesting "a few days longer" to submit his amended response to defendant's motion for summary judgment because a key piece of evidence would not be available before "June 8 or 9." Dkt. #98 at 4. Over defendant's objection, Dkt. #99, the Court obliged plaintiff's request and continued the motion to June 19, 2009. Dkt. #100. Plaintiff's most recent letter stated that he made an error in requesting that continuance, as he would not have access to that evidence before

¹ Plaintiff sought the judicial assistant’s “aid in communicating with the Court,” Dkt. #105 at 1, and “ask[ed] for [her] intervention,” *id.* at 3. After the many continuances he has received, plaintiff should be well aware by now that Court-ordered deadlines are continued only upon formal motion, not by personal entreaties to chambers staff, so as to allow the opposing party an opportunity to respond.

1 June 18, 2009. Dkt. #105 at 2. Plaintiff's letter also stated that another piece of evidence had "come to
2 light," id., but assured that his amended response "*is on the way, and will be delivered,*" id. at 3
3 (emphasis in original). Plaintiff's letter, dated June 12, 2009, suggested that the response would be filed
4 "before week's end" and stated that "certainly" no more than four additional days would be required.

5 Id.

6 Plaintiff's letter was received in chambers the week of June 15, 2009. It was posted on the
7 docket as a motion to continue on June 19, and it was noted for July 1, 2009.² Despite plaintiff's
8 assurance that his response would be filed by June 19, as of the date of this Order, the Court has yet to
9 receive plaintiff's amended response. Five weeks have elapsed since plaintiff wrote his letter to the
10 Court requesting just a few days' continuance.³

11 Plaintiff has received every benefit of the doubt from this Court, at the expense of defendants'
12 convenience and the Court's calendar. Plaintiff will receive one final opportunity to submit his
13 amended response. The Court will no longer entertain plaintiff's requests for extension due to new
14 evidence or new witnesses. Plaintiff has had ample time to research and prepare his amended response,
15 and the Court finds that this case has been delayed long enough.

16 **Plaintiff must file his amended response with the Court no later than July 27, 2009**, and
17 defendants' amended reply is due on July 31, 2009. The Clerk of the Court is directed to **remote**
18 **defendants' motion for summary judgment (Dkt. #31) for Friday, July 31, 2009.**

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24 ² Defendants did not file a response to the motion.
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³ Although plaintiff may contend that he was waiting for the Court to rule on his present motion, in the past he has filed late materials without waiting for a Court order granting him leave to do so. See Dkt. #56 (late response filed before the Court had ruled on "Motion to Permit Receipt of Tardy Response," Dkt. #53).

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2 DATED this 17th day of July, 2009.
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Robert S. Lasnik

9 Robert S. Lasnik
10 United States District Judge
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